REMARKS

The above-referenced application was filed on May 30, 2006. In a first Office Action dated November 6, 2008, objections were raised with respect to the drawings and claims 21-22, while claims 1-20 and 22-23 were rejected as obvious. By way of this amendment, claims 1-4, 8, 12-13, 17-20, and 22-23 are amended and the cancellation of claim 21 is confirmed. Reconsideration and allowance of the pending claims is respectfully requested.

The action begins with an objection to the drawings, specifically requesting the provision of a new drawing to which the Examiner states the application admits. However, applicants do not know of any such admission in the application. If the Examiner would kindly point out specifically what drawing is referenced, Applicants will either provide the requested drawing or cancel such reference in the specification.

The action also objects to claims 21 and 22 as being mis-numbered. The Examiner is correct and thus Applicants have canceled original claim 21 and renumbered previous claims 21 and 22, as 22 and 23, respectively.

Turning to the prior art rejections, claims 1-3, 13, 15-19 and 22 are rejected under 35 USC §103 as being obvious over Squire, US Patent No. 5,917,407 in view of Chase, US Publication No. 2003/0034873. However, the claims have been amended to include elements lacking in the cited art and thus the obviousness rejection must be withdrawn. To support an obviousness rejection, MPEP §2143.03 requires "all words of a claim to be considered" and MPEP § 2141.02 requires consideration of the "[claimed] invention and prior art as a whole." Further, the Board of Patent Appeal and Interferences recently confirmed that a proper, post-*KSR* obviousness determination still requires the Office make "a searching comparison of the

claimed invention – including all its limitations – with the teaching of the prior art." *See, In re Wada and Murphy*, Appeal 2007-3733, citing *In re Ochiai*, 71 F.3d 1565, 1572 (Fed. Cir. 1995) (*emphasis in original*). *See also*, *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) (to establish a *prima facie* obviousness of a claimed invention, all the claim features must be taught or suggested by the prior art). Thus, it remains well-settled law that an obviousness rejection requires at least a suggestion of *all* of the claim elements.

Here, claim 1 distinguishes over Squire et al at least for the following reasons:

- the claimed initial step (a) is distinct from subsequent rental steps, so that in the claimed method the initial step is provided to enable multiple subsequent rentals, whereas Squire et al requires reading a payment card for each rental of a bicycle;

- claim 1 requires the use of a rental management server and an electronic money server, but Squire does not disclose such servers rather it only refers to a credit verification center 212 and a control center 210;

- in claim 1, during the initial step (a), a debit authorization is issued for debiting a certain maximum value and is valid for a limited period of time to enable multiple subsequent rentals by the user, but Squire fails to disclose this;

- in claim 1, during the initial step (a), an authorization identifier is memorized which is related to the debit authorization wherein this authorization identifier only identifies the debit authorization, but not the user, so that the rental management server does not include any personal identification data related to the user, thus protecting the privacy of the user. None of these features are disclosed in Squire et al, which on the contrary, actually requires memorization of personal

data of the payment card (in particular a card number) in a customer file (see column 9, line 65 – column 10, line 6 & column 10, line 61 – column 11, line 15);

- according to claim 1, the above authorization identifier is stored in the rental management server, whereas Squire et al teaches storing the customer file in the interactive terminal 106, thus, the authorization identifier according to claim 1 is easily accessible by any interactive terminal of the system at a later stage ,which is not the case with Squire et al;

- in claim 1, at each subsequent rental step (b), an identity code associated with the authorization identifier has to be given by the user, and is then checked by the rental management server and said rental management server increments a rental account corresponding to said authorization identifier, whereas none of these features are disclosed by Squire et al; and

- in claim 1, at the debit step (c), the user's account is debited by the rental management server which communicates with the money server as a function of the rental operations and within the limit of the maximum value which was authorized at the initial step (a), whereas again these features are not disclosed by Squire et al.

Due to the above differences, the claims method of claim 1 enables a simplified operation of the rental system, requiring only one reading of the user card at the beginning of the process, then enables bicycles to be rented from any of the stations of the system due to the centralized management of the authorization identifier and of the user's account by the rental management server. Further, the claimed method does not apply a payment to the money server on each rental of a bicycle, thus reducing the costs which are usually applied.

Finally, the claimed method provides more safety to the user, since the amount which may be debited is limited by a maximum value, and the rental management server does not include any personal data belonging to the user.

Even when combining Squire et al with Chase et al, obviousness is not established. Chase et al would not have taught a person skilled in the art to use an authorization identifier which is related to a debit authorization. Instead, Chase et al teaches the use of a unique identifier which identifies each driver (see Chase ¶ 0034), so that the authorization identifier which is used in Chase et al is related to the user, not a debit authorization. Further, Chase et al does not teach any debit authorization which is issued for debiting a certain maximum value, thus enabling multiple rentals. On the contrary, Chase et al teaches that the debit authorization is valid for only one debit authorization, which thus does not enable multiple rentals.

Moreover, Chase et al discloses the use of a dedicated identification card, not a simple payment card. Using the automated car rental system of Chase et al therefore requires a preliminary registration and issuance of the specific card, which is not necessary in the claimed method. Chase et al also does not teach that at each rental step (b), the rental management server increments a rental account corresponding to the authorization identifier.

Finally, Chase et al repeats all the deficiencies mentioned above with respect to Squire et al, namely:

- the rental system of Chase requires generating a rental authorization before each car rental thereby complicating the rental process;

- Chase et al requires a payment at each car rental, thus raising the payment cost; and

- the rental system of Chase et al is not sufficiently safe for the user in that the server of Chase et al includes personal data belonging to the user.

In light of all the foregoing the claimed subject matter of amended claims 1-3, 13, 15-19 and 22 would not have been made obvious by a combination of Squire et al and Chase et al. and such obviousness rejection should be withdrawn.

Claims 4-12, 14, 20 and 21 (now 23) are also rejected as obvious based on Squire et al and Chase et al. in further view of Laval et al. Tung and Meunier. However, Laval, Tung and Meunier are only cited to purportedly show dependent features and are even further removed from the claimed subject matter than the main references of Squire and Chase. In no way do they supply all the missing elements identified above. In light of this, applicants respectfully submit that such obviousness rejections should be withdrawn as well.

In summary, Applicants submit that pending claims 1-20, 22 and 23 are in condition for allowance and respectfully solicit same. Should the Examiner have any questions, he is invited to telephone the undersigned.

Dated: May 6, 2009

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